இணைப்பு IX

[505ம் பக்கத்திலுள்ள உடுக்குறியிடாத வினா எண் 68-க்கான விடையைக் காண்க]

Copy of Memorandum, dated 22nd May 1978 from Thiru. T. Sambath, President, of the meeting of the Small pattadars who have leased out their lands to the cultivating tenants.

May it please the Honourable Chief Minister of Tamil Nadu, we submit respectfully the following hardships and grievances for your goodself sympathetic consideration and redress.

TENANCY LAWS AND ACTS IN TAMIL NADU

The Cultivating Tenants Protection Act (Act XXV) of 1955 gave protection to tenants in Tamil Nadu from eviction from the lands which they cultivated. The Cultivating Tenants Fair Rents Act (Act XXIV) of 1956 fixed the share of both the owner and the tenants in the produce. It was enacted by the Government to provide for the payments of fair rents by the cultivating tenants to pattadars and owners of lands. What is fair rent has also been defined under the Act. Landowners, share in the income of the land has also been fixed in the Act. This Act recognised the landowner as a sharer and legally he is entitled to claim and recover the fair rent due to him from the cultivating tenants to whom he has leased out his lands. Section 5 of the Fair Rent Act referred fixed the owners, share of the wet land as 40 per cent and dry land as 33 1/3 per cent. Provision to section 5 of the Act which is mandatory stipulates that when the crop raised on the wet land is paddy the owner of the land shall have the right to insist on the tenant to pay the rent in kind alone i.e. paddy. Section 7 of the same act insists to sharing of produce on the threshing floor itself between the owner and the cultivating tenants. It prohibits cultivating tenants from removing the produce from the threshing floor without making it avaidable for division between the owner and the tenant. These mandatory provisions of the Act are observed in breach. Why are these mandatory provisions of the Act intended for benefit of both not implemented. As stated above while the provisions are mandatory no cultivating tenant implements the provitions but wades the rents and paddy and the entire produces are taken away after harrets without fulfilling the statutory obligations of paying the forty per cent of fair rent due to the owners driving them to resort to procedings in Revenue and Civil Courts for recovery of overdue paddy due to them. Is this just ? Owing to Debt Relief Act and Moratorium Acts (Act 15, Act 16 and Act 17/76) the landowners are

driven to a tight corner. The problem has become acute now driving small owners, mutts, and other religious institutions–temples to miserable plights.

It is estimated that there are roughly 58 lakhs landowners in Tamil Nadu and 80per cent of them have lands below five acres. These small owners have been adversely affected by the wanton attitude of the cultivating tenants evading payments of fair rents. These small owners are almost at the verge being extinguished totally. Poor women, widows, minors and dependents sufler utmost. West Tanjore which is mainly under the leasehold system suffer on account of the various temporary Acts passed now and then prohibiting cultivating tenants from eviction for non-payments of rents legally due to owners. Temples, mutts and religious institutions all over Tamil Nadu are worst hit. Are temples which are treasures and heritage of our Tamil Nadu to exist or get extinguished. How does Government expect these small owners and temples to pay land taxes due to the Government. Does this Government expect these poor landowners to borrow for their tax payments? Borrowing too has become difficult. The mere accident of having leased out their lands often purchased with one's life's savings has been made a sin.

Cultivating tenants are purposely evading to discharge their statutory obligations although they realised good income and produces durnig the years in 1974 and 1975. In the case of House Rent Control Acts the tenant of the house suffers statutory eviction for wilful default. Why not the same principle be followed in the case of lands also. A cultivating tenant of the land who is a wilful defaulter deserves no sympathy and has to be evicted from the land inthe similar way provided in the House Rent Control Act. It is therefore suggested that a provision be incorporated in the Cultivating Tenants Protection Act making them liable to be evicted statutorily for wilful default. In the circumstance this association requests the Government to consider the miserable plight of the small owners and temples mutt and religious institutions and redress their hardship by implementing the provisions of Act XXIV of 1956 rigorously to alleviate the sufferings of the persons on the dictum of "live and let live".

DEBT RELIEFS AND MORATORIUM ACTS:

Consequent to *he passing of the various Moratorium Acts, i.e. Act 15/76, 16/76 and Act 17/76 the landowners and temples have been driven to a tight corner. These acts were intended to give temporary relief to indebted agriculturists to give them breathing

time and to resusitate themselves from the impact of drought conditions which affected in Tamil Nadu. It looks now that these temporary enactments have come to stay on as permanent measures paralying credit facilities to the agriculturists and cultivating tenants and driving the small owners and temples who have to sustain on the income of the lands to miserable conditions. These persons are at the verge of being extinguished totally. There are several cases where a poor widow, an old retired official or an unemployed graduate owning such land but without being given their due share even when the harvests have been quite good. The moratorium in such cases has no meaning. The tenant removes the produce when the helpless owners who is already steeped in debt has to pay tax. How does the Government expect them to pay taxes on the land? Does the Government expect them to borrow for their tax payments which is being rigorously collected from the owners. Is it a tax for titular pleasure to call themselves "landowners"- The continuance of these moratorium measures will not benefit either the owners or agriculturists or the tenants. Although rent in relation to agricultural land meant rent accrued due for the fasli year ending with 30th June 1974 and for any previous year and not the rents due to the owners after 1974 yet recovery of rent due after 1974 has been stayed and prohibited by su sequent enactment Act 17/78 (L A. Bill 5 of 1978). While extending the period of moratorium acts upto July 1978 to protect agriculturists, the cultivating tenants in cyclone-hit areas heve been given protection upto 15th January 1979. How could there be two categories of agriculturists one discriminating the other. While so how does he deserve protection upto January '79' while other agriculturists have been protected only upto July '78. In Act 17/78 rent has been defined to include house rents and other immovable property. It is submitted that there is no leg l jurisdiction to extend protection beyond July 1978. It will only lead to abuse by the cultivating tenants to deny the legal share due to the owners of lands. In this connection this association desires to explain the differences between debt and rent. In respect of debts due by the agriculturists to creditors Government could regulate the same and give relief to indebted agriculturists. On the other hand rent is a contractual obligation between the owner of the land and the cultivating tenants or the lessee. Legally it cannot be touched or interfered with, in view of the various Provisions of the Cultivating Tenants Protection Act and the Fair Rents Act (Act XXV of 1955 and Act XXV of 1956). Statutory contractual obligations have been provided in these Acts and therefore the rights of the owners to Aet rents according to the proportion of share fixed under the provisions of the Act cannot be interfered with or denied to the owners, unless the provisions regulating them are repealed, Minister have been making statements

that comprehensive measures are being considered far replacing the moratorium Acts. This association therefore pointing out to these hardships and inequities impresses for the early repeal of the Moratorium Acts.

CONFERRING OWNERSHIP RIGHTS TO THE CULTIVATING TENANTS

The slogan which was raised by various political parties was "Land to the tiller" and eliminate intermediators, This was welcomed by everybody. Has this dictum been implemented in the realspirit has to be considered by Government It is submitted that actual tiller has not been made the owner. Pattadars who have paid hard cash for land and paying kists to Government for the lands are sought to be eliminated. In their places cultivating tenants and lessees of the lands who are intermediators actually are sought to be inducted as owners instead of real tillers. Is this natural justice? Now the present slogan is to confer ownership rights to the cultivating tenants. This issue is a complicated one. The previous D.M.K. Government passed a Bill L.A. 11 of 1973 which was not assented to by the President. Any enactment intended to regulate the rights to the cultivating tenants to purchase the ownership from the present owners will not work successfully. Mere conferments of rights to tenants to purchase the landowners rights will lead to difficulties and confusion and will not solve the vexed problems. It will involve both of them to never ending litigation in courts. The right, title and interest of the owner has to be purchased. This could be done by the Government directly instead of conferring rights to the tenants. Governments. could form a corporation and arrange to purchase the rights of the present owners by fixing the prices of the various categories of lands according to guidelines implemented by the Government. After purchase of the rights, from the owners the Government may confer ownership rights to such bonafide cultivating tenants. The present Land Development Banks could be clothed with powers to implement this programme. It may not be difficult for the Government to purchase the rights from the owners as Government has successfully done in the purchase of surplns lands from the owners. The principles adopted in the Land Reforms Act could be followed.

AMENDMENT TO AGRICULTURAL INCOME TAX ACT

The recent amendments introduced by the Gavernment in regard to the above Act has adversely affected the owners. In fact when the original Act was introduced in the Legislature it was then

mentioned by the then Government that this enactment was a temporary measure and that it will be removed. On the other hand it has come to stay permenently in the statute book year after year. The incidents and rates of taxes have been increased. Compounding rates have been enormously increased and every crop is taxed as commercial crop. A owner of a land is taxed doubly. As owner of the land he is asked to pay tax i.e. Kist, water charges, betterment levy etc. and then for the income derived from the land he is to pay tax also, Is this fair?

This association has represented to the Committee the hardships and difficulties of the farmers and agriculturists and it fervently requests to consider them and do maximum best for redress of the grievances.

இணைப்பு X

[515ம் பக்கத்திலுள்ள உடுக்குறியிடாத வினா எண் 81-க்கான விடையைக் காண்க]

தேசிய கூட்டுறவுக் கொள்கைத் தீர்மானம்—செயல் திட்டங்கள்:

பிரிவு 1: பொருளாதார வளர்ச்சி பரவலாக அமையவும், தொழிலாளர் மேம்பாட்டையும், கிராமப்புற வளர்ச்சியினையும் நோக்கமாக கொண்டு பாடுபடுகிற பெரும் அமைப்புகளில் ஒன்றாக கூட்டுறவுச் சங்கங்கள் வளர்க்கப்படவேண்டும்.

செயல் திட்டம்:

1. பொருளாதார வளர்ச்சியைக் கூட்டுறவு இயக்கம் மூலமாகப் பரவலாக்க வேண்டுமென்பது மத்திய அரசு அளவிலும் மாநில அரசு அளவிலும் அமையும் ஆறாவது ஐந்தாண்டுத் திட்டத்தின் ஒரு திட்டவட்டமான செயல் திறமாக விளக்கப் படவேண்டும்.

2. தேசிய அளவிலும் மாநில அளவிலும் ஒரு கூட்டுறவுத் துணைத் திட்டம் உருவாக்கப்படவேண்டும், அத்துணைத் திட்டத்தில் கீழ்க்கண்ட திட்டப் பணிகளின் கீழ் வரையறுக்கப் பட்ட மூலதன ஒதுக்கீடுகள், திட்ட, நிதி நிலை இலக்குகள், திட்டவட்டமான கொள்கை முன்னுரிமைகள் ஆகியவை பற்றி குறிப்பிட வேண்டும்:—

(அ) குறுகிய கால, மத்தியகால, நீண்ட விவசாயக் கடன்கள் மற்றும் சிறுதொழில் புரிவோர்க்கும் கிராமக் கைவினைஞர் களுக்கும் கடன்கள்.